



**Langley Research Center  
DIRECTIVES MANAGEMENT  
TRANSMITTAL SHEET**

**LAPD 2091.1**

**March 6, 2003**

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**MATERIAL TRANSMITTED**

LAPD 2091.1, "Inventions Made by Government Employees"

**RECISION**

LAPD 2091.1, dated May 13, 1999

**SUMMARY**

This directive has been revised to update a reference. This change is a minor change. According to LMS-CP-2701, "LaRC Directives Initiation, Review, and Approval," a review and approval cycle is not required.



**LANGLEY  
POLICY  
DIRECTIVE**

**Directive: LAPD 2091.1**  
**Effective Date: March 6, 2003**  
**Expiration Date: May 13, 2004**

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**Responsible Office: Patent Counsel, Technology Commercialization  
Program Office**

**SUBJECT: Inventions Made by Government Employees**

**1. REFERENCES**

- a. NPD 2091.1, "Inventions Made by Government Employees."
- b. NPD 2092.1, "Royalties and Other Payments Received by NASA from the Licensing of Patents and Patent Applications."
- c. NPD 2000.1D, "Authority to Take Certain Actions for the General Counsel."

**2. SUMMARY**

This directive sets forth Langley Research Center (LaRC) policy and the responsibilities when an invention is conceived by a Government employee.

**3. POLICY**

Consistent with 37 CFR Part 501, it is NASA's policy to:

- a. Protect the Government's interest in, and to provide for the widest practicable and appropriate dissemination, early utilization, expeditious commercial development, and continued availability of, inventions reported to NASA that are made by Government employees.
- b. Be fair and impartial in the administration of the rights to such inventions and to afford an employee making an invention the opportunity to retain title to such invention for which there is insufficient Government interest or equity for the Government to acquire title.

**4. APPLICABILITY**

- a. This directive applies to any invention made by a NASA employee or an employee of another Government agency reporting an invention to NASA.
- b. The term "invention" means any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, that is or may be patentable or protectable under the intellectual property laws of the United States or of a foreign country.

## **5. RESPONSIBILITY**

a. The Patent Counsel is responsible for the following:

(1) Making the NASA determination of the respective rights of the Government and the employee in any reported invention, and advising the employee in a timely manner of the determination.

(2) Determining whether there is sufficient interest to obtain patent protection (domestic or foreign) on any invention reported to NASA for which the Government has the right to obtain either title or a Government license, and based on such determination either--

(a) Authorize the filing of a patent application by NASA and so notify the employee; or

(b) In the case of insufficient Government interest in pursuing patent protection, notify the employee of the determination and allow the employee the opportunity to pursue patent protection.

(3) Notifying the Inventions and Contributions Board of any NASA authorization to file a patent application on any invention made and reported to NASA by a Government employee.

(4) Taking all suitable and necessary steps to obtain and maintain patent protection (domestic and foreign) on any reported invention to which the Government has the right to obtain either title or a Government license and for which there is sufficient Government interest to do so.

(5) Ensuring that all inventors named in a patent application meet the legal requirements of inventorship.

b. The Center Director, in coordination with the Institutional Program Office Associate Administrators, is responsible for the following:

(1) Ensuring that employees making inventions submit to the Patent Counsel disclosures of such inventions; and

(2) Ensuring that the supervisor of an employee reporting an invention, or other NASA personnel having immediate technical cognizance of a reported invention, provide upon request the following:

(a) Either concurrence with, or additional comments on, any information regarding the circumstances under which the invention was made.

(b) An evaluation of the technical significance of the invention, and to the extent feasible, an assessment of the commercial potential of the invention.

c. Each employee who makes an invention (whether or not the invention was made during working hours, was made with a contribution of Government

resources, or bears a relationship to the official duties of the employee) is required to submit to the Patent Counsel, a disclosure of such invention.

(1) With respect to any invention reported, the employee shall either--

(a) Agree to assign titles of the invention to the Government, in any country, upon request of NASA; or

(b) If the employee believes NASA is not entitled to such assignment of the invention, the employee shall provide information regarding the circumstances under which the invention was made and the relationship of the invention to the employee's official or assigned duties so that a rights determination can be made pursuant to 37 CFR Part 501.

(2) Employees shall execute all documents necessary for NASA to file and prosecute patent applications and to obtain and maintain patents on any inventions for which the Government obtains assignments of title and for which NASA decides to protect by patenting in any country.

(3) Employees shall assist, as requested, in the prosecution of the patent applications, and in making available records relating to the conception or reduction to practice the invention, if needed to establish inventorship or priority of invention.

(4) Employees shall take all reasonable steps to prevent creating a bar to patentability of an invention, including consulting with the Patent Counsel, prior to publishing or otherwise disclosing any details of the invention or publicly using the invention.

## **6. RECISION**

LAPD 2091.1, dated May 13, 1999.

Jeremiah F. Creedon  
Director